

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONDA RENEE BIRD,

Defendant.

CR 10-102-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on August 26, 2015. Defendant admitted she had violated Standard Condition 3 of her supervised release by failing to follow the instructions of her probation officer, she had violated Standard Condition 5 of her supervised release by failing to work regularly at a lawful occupation, and she violated Standard Condition 9 of her supervised release by associating with a person convicted of a felony. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of two months, with 34 months of supervised release to follow. He also recommended that Defendant reside in a residential reentry center for 180 days while she is on supervised

release.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 3, 5 and 9. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of two months in custody, followed by 34 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 80) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 14th day of September, 2015.



Brian Morris
United States District Court Judge